

City Council Meeting Minutes

**July 18, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh (arrived 7:30 pm)
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balser, Interim City Manager
Kevin Watson, Finance Director
Joe Stevens, Director of Parks & Recreation
Kathy Martin, Recreation Superintendent
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Lauren Trice, Associate Planner
Kathleen Hix, Director of Human Resources
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle moved the agenda be approved with an amendment that items H & I be moved to a special meeting on July 25; seconded by Council member Maloney. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Keany. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: July 5, 2017***
- C. *Approval of August 8 as a Special Meeting***
- D. *Approval of Request for Proposals for Updated Commercial Development Design Guidelines and Revised Sign Regulations***
- E. *Approval to Start the August 1, 2017 Meeting at 6:00 PM for an Executive Session***
- F. *Approval of Sole Source Contract for Library Building Automation with Integrated Control Systems, Inc. & Mountain Iron Systems, Inc.***
- G. *Approval of Design Build Services for Heritage Park Playground Renovation***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle welcomed Heather Balser as the new Interim City Manager.

CITY MANAGER'S REPORT

Interim City Manager Balser noted there will be a ground breaking on August 18 for the Recreation/Senior Center expansion project.

REGULAR BUSINESS

RECREATION/SENIOR CENTER EXPANSION PROJECT

RESOLUTION NO. 35, SERIES 2017 – A RESOLUTION APPROVING A REQUEST FOR A FINAL PLAT, FINAL PLANNED UNIT DEVELOPMENT AND SPECIAL REVIEW USE FOR A 44,600 SQUARE FOOT EXPANSION TO THE EXISTING 57,400 SQUARE FOOT CITY OF LOUISVILLE RECREATION CENTER FACILITY

ORDINANCE NO. 1744, SERIES 2017 – AN ORDINANCE APPROVING THE VACATION OF PORTIONS OF PINE STREET AND VIA APPIA RIGHT OF WAY DEDICATED BY THE CENTENNIAL VALLEY, SECOND FILING (CORRECTED PLAT) – 2ND READING – PUBLIC HEARING (advertised *Daily Camera* 07/09/17)

Mayor Muckle introduced the Resolution and Attorney Light introduced the ordinance noting this is second reading and the public hearing for the ordinance.

Mayor Muckle opened the public hearing and called for a staff presentation.

Director Zuccaro stated this is a Planned Unit Development (PUD) and a Plat for the expansion of the Recreation Center. It is a 44,600 sq. ft. expansion to the existing facility. It is being reviewed under the Commercial Development Design Standards and Guidelines (CDDSG). It expands the building, parking and the playground of the site. He showed the design of the building noting existing access to the building. The plan will maintain the trail access and add one new sidewalk access. He noted the code does not have a parking requirement for this type of facility, but staff is comfortable with what is proposed.

Director Zuccaro noted the proposed lighting for the facility is designed to shield light from the neighbors and sensors to turn them off when not being used.

He noted all height and setbacks of the expansion requirements are met. They are asking for two waivers, one to the landscape requirements reducing the number of trees and one for a reduction in the number of landscaped medians.

The applicant is required to Plat the site as it has never been platted and to vacate some right-of-way.

Councilmember Maloney asked if the lighted pedestrian crossing on Via Appia is being retained. Director Zuccaro stated it will be kept. Councilmember Maloney asked if dimmable lights are a good idea. Director Zuccaro noted they would only be dimmed after hours to not impact the neighboring residents with strong lights.

Councilmember Loo noted the application letter states there would be food trucks for events, but it is very limited. She asked if these limited hours are a requirement of the City. Director Zuccaro stated these regulations would not be included in the notes on the PUD, but would be regulated by our food truck ordinance which would have to be amended to allow this. Councilmember Loo asked if the applicant's letter would be binding to the City. Attorney Light stated it is not, the City controls the uses.

Mayor Muckle asked if the applicant would like to speak. No presentation. Mayor Muckle asked for public comments. There were none.

Councilmember Stolzmann asked how the existing trail connects to the new facility. Director Zuccaro noted that due to the grade on that site, the connection has to come up at an angle further east of the existing connection.

Councilmember Stolzmann stated she does not support the first waiver. She would like the additional trees and shrubs to be required. The trees are better for the environment.

Mayor Pro Tem Lipton asked Hilary Andren-Wise and Anthony Nemec where the process is on getting costs for the construction. Mr. Nemec stated Saunders Construction is on board and they are pricing the project now. Ms. Andren-Wise stated the site and foundations package is being done separately to allow construction to start on that part before the building permit for the entire building. The hope is to mobilize in September. Mayor Pro Tem Lipton asked if the second soils report was completed. Ms. Andren-Wise stated yes and after consulting the first soils report, talking to geotechnical team, history of the current building and combined with the new report, the slab depth will be a 13 foot cut all the way down and straight across. This will be about a ¾ inch risk of change in the slab.

Councilmember Loo asked if the wood being proposed for the design would be difficult to maintain. Hilary Andren-Wise noted some of those have been changed to add-alternative items, some have been changed to glass, and some will be cedar which ages very well. Some of the wood look is fiber cement, patterned to look like wood.

Councilmember Keany asked if the additional landscaping on the south of the site makes up for the fewer trees in other locations. Director Zuccaro stated the south side has more than is required, but he is not sure it is an equivalent amount. Council member Keany would like to see an equivalent amount of landscaping on the property.

Mayor Muckle asked for public comment. None. Closed the public hearing.

Councilmember Maloney moved to approve Resolution No. 35, Series 2017; Mayor Pro Tem Lipton seconded.

Councilmember Stolzmann asked for the first waiver to be reconsidered. Trees are a benefit to temperature and run off and we should hold ourselves to the same standard as other applicants.

Councilmember Maloney stated he feels the additional shrubbery on the south near the residential areas is more important than added trees on the Via Appia side. It is not exactly up to the CDDSG number, but is acceptable.

Councilmember Loo stated she is sensitive to Councilmember Stolzmann's request, but stated the City can make it a priority to add additional trees in years to come. She is comfortable with the waiver now and asking for more trees to be added later.

Mayor Pro Tem Lipton noted the packet information says the additional trees are not feasible due to the underground utility conflicts, so it may be expensive and impractical.

Councilmember Keany offered a friendly amendment requiring the number of trees and shrubs meets the CDDSG but they do not have to be in the exact locations.

Councilmember Maloney accepted the amendment, Mayor Pro Tem Lipton accepted the amendment.

Voice vote: All in favor; approved. Council member Leh abstained.

Councilmember Maloney moved to approve Ordinance No. 1744, Series 2017, Councilmember Stolzmann seconded.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

Yes: Council Member Keany, Council Member Maloney, Council Member Loo, Mayor Muckle, Council Member Stolzmann, Mayor Pro Tem Lipton.

Abstain: Council Member Leh.

MEMORY SQUARE POOL EXPANSION, 801 GRANT AVENUE

RESOLUTION NO. 36, SERIES 2017 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) AND SPECIAL REVIEW USE TO ALLOW FOR CONSTRUCTION OF A 2,800 SF OPEN-AIR POOL HOUSE WITH ASSOCIATED SITE IMPROVEMENTS AT 801 GRANT AVENUE (MEMORY SQUARE PARK)

RESOLUTION NO. 37, SERIES 2017 – A RESOLUTION APPROVING A HISTORIC PRESERVATION FUND GRANT TO RESTORE THE NORTH WALL OF THE CENTER FOR THE ARTS AND CONSTRUCT A NEW POOL HOUSE AT 801 GRANT AVENUE

Planner Trice stated this proposal includes ADA accessibility compliance, landscape improvements, a detached pool house with 8'8" breezeway, streamlined one-story pool house with low pitched roof differentiated from the Louisville Center for the Arts (LCA). The design was approved by an alteration certificate from the Historic Preservation Commission (HPC).

Requested waivers are

1. 6:12 roof pitch requirement
2. Rear setback
3. 10' wide buffer planting strip
4. Utility screening
5. Center for the Arts dumpster in the alley

Staff supports all waivers and finds the proposal meets all Special Review Use requirements.

- Existing and proposed pool deck and site wall extend into alley right-of-way
- Dumpsters relocated to northeast corner with storage

- Grant Avenue was vacated in 1973 with Ordinance 410

Total Grant Request - \$370,022 (w/ 100% match)

Preservation & Restoration Grant Request

- Restore exterior wall – \$92,574
 - Eligible for maximum focused grant of \$100,000
- Demo existing pool house – \$75,000
 - “Extraordinary circumstances” - Insensitive addition in 1972
- ADA Accessibility improvements - \$127,448
 - “Extraordinary circumstances” - Unable to pursue \$65,000 flexible grant within 18 month of landmarking
 - “code-required work to make the property functional”

New Construction Grant Request

- New pool house - \$75,000
 - Eligible under Resolution No. 02, Series 2012

Staff recommends approval of the PUD/SRU with the following conditions:

1. If approved, the applicant will include a detail of the alley encroachment with a note describing the alley encroachment on the PUD per Public Works comment in the memo dated July 7, 2017 prior to recordation.
2. The applicant will add screened trash receptacles for the Center for the Arts to the PUD. These receptacles must be located out of the alley right-of-way and enclosed per the requirements in the CDDSG prior to recordation.

Staff also recommends approval of the Historic Preservation Fund grant request of \$370,022.

Mayor Pro Tem Lipton asked how the pool is eligible for the historic preservation grant. He doesn't see the historic preservation tie. Planner Trice stated the HPC is excited to see the Arts Center removed from the pool house to create it as a separate structure. Also the ADA access improves access to the landmarked LCA. Construction of the new pool house falls under the new construction guidelines within the Historic Preservation Fund.

Mayor Pro Tem Lipton stated as the pool is not a landmark (the LCA is) he doesn't understand how the grant is available. Planner Trice stated the grant guidelines allow for new construction and have been used for new construction before. Mayor Pro Tem Lipton stated he is struggling with this.

Councilmember Stolzmann asked which side is considered the front of the property. Planner Trice stated code considers the narrow side of the property the front, which would mean in this case the entire park down to Jefferson. Councilmember Stolzmann then asked how the setbacks were determined; Trice stated the entirety of the park was looked at.

Councilmember Stolzmann asked if the landmark bonuses were applied to this proposal. Trice stated there are no landmark bonuses for setbacks. Councilmember Stolzmann asked to have the Old Town Overlay Zoning District Regulations entered into the record. Trice stated floor area and lot coverage were included in the landmark bonuses. Councilmember Stolzmann felt if the front were Spruce then all but one waiver goes away.

Councilmember Stolzmann asked why the CDDSG were applied in this residential area. Trice stated it was applied because of the use of the site. Councilmember Stolzmann asked if the applicant is required to comply with the CDDSG. Director Zuccaro noted the Rec Center is zoned residential, but the CDDSG were used due to the use of the site.

Councilmember Stolzmann stated the trash enclosure is hard to evaluate. Trice stated the pool dumpster is moving but the LCA is staying where it is. Director Zuccaro stated there had been several different scenarios presented for the trash dumpsters.

Councilmember Maloney asked if the grant request was included in the original budget. Director Stevens stated this in addition to the original budget. Councilmember Maloney asked how the pool house affects the LCA. Trice stated it was basically slapped onto the LCA and covers up original architecture. Director Stevens stated the plan for separating the building was decided after many considerations.

Mayor Muckle asked for public comments.

Ed Connolly, who lives on Grant, stated there is a lot of foot traffic in the alley and the dumpster there is odd.

Councilmember Stolzmann proposed keeping the trash pickup in the alley to mitigate impacts. She noted she supports the grant application program, but she doesn't think it should be used for the new construction on the pool house, but should be used for the separation of the two buildings and the ADA improvements.

Councilmember Keany stated he would like the dumpster somewhere that is not adjacent to the patio deck.

Mayor Muckle supports the dumpster in the alley. He was supportive of the grant except for the new construction piece of this project.

Councilmember Loo stated the HPC is supportive of the full grant amount and she also supports it.

Mayor Pro Tem Lipton stated the HPF was established for community goals and this doesn't fit those goals. He doesn't support using the fund for demolition or new construction. If the project needs another \$150,000 it should come from the General Fund.

Mayor Muckle moved to approve Resolution No. 36, Series 2017 with an amendment for trash to be in the alley and be screened. Councilmember Stolzmann seconded.

Hilary Andren-Wise noted Public Works asked the trash be removed from the alley due to utility access issues. She noted the location of the LCA dumpster is not within the purview of this project. Interim City Manager Balser stated the LCA would like to leave the dumpster where it is, but can screen it if required. Director Zuccaro stated staff can work on a screening of some type that is not solid and easy to move to access utilities.

Councilmember Keany noted that St Louis Church and most of downtown have dumpsters that are not screened. He supports finding something not permanent for screening. He noted there have been problems with public dumping in the LCA dumpster and overflow in that dumpster. Screening may or may not help.

Councilmember Maloney asked what the current balance of the HPF is. Trice stated the balance is \$1.5 million and approved grants that haven't been disbursed reduce it to \$644,000. Additional revenue is estimated at \$600,000 per year.

Attorney Light confirmed the waivers would be:

1. The applicant will include a detail of the alley encroachment with a note describing the alley encroachment on the PUD per Public Works comment in the memo dated July 7, 2017 prior to recordation.
2. The applicant will add trash receptacles for the Center for the Arts and Memory Square Pool to the PUD. These receptacles may be located within the alley right-of-way and the applicant shall work with staff to provide appropriate screening for the receptacles.

Voice vote: All in favor.

Mayor Pro Tem Lipton moved to approve Resolution No. 37, Series 2017 limiting the grant to the restoration of the north wall and the ADA accessibility, but not the demolition costs and new construction which would total \$220,022 and that the resolution be amended appropriately prior to signature. Mayor Muckle seconded.

Councilmember Loo stated the HPC made a good recommendation on this and the Council should follow that recommendation. It is a good package as presented and we give money for these types of projects all the time. Mayor Pro Tem Lipton stated the fund is used to incentivize work, but the City doesn't need the incentives, we should do it on our own.

Councilmember Leh stated the HPC had a thoughtful discussion and made a good recommendation. He stated we should fund the full amount. Councilmember Maloney agreed everything is eligible for the funds. The way the rules are written these are all eligible costs.

Councilmember Stolzmann stated while they are eligible costs it doesn't mean we have to use it. We have other funding streams we can use to cover the costs.

Councilmember Keany suggested amending the resolution to include the demolition costs, but not the new construction costs (\$75,000). Offered friendly amendment to include the demolition costs. Mayor Pro Tem Lipton did not accept the amendment.

Mayor Pro Tem Lipton said with all due respect to the HPC this is a fiscal issue not a historic preservation issue. Residents voted for the bond, not to use the HPF to fund the pool house.

Attorney Light clarified to the resolution would be amended to not fund items 2 and 4; demolition and new pool house.

Roll call vote: **Vote:** Motion passed (**summary:** Yes = 4, No = 3, Abstain = 0).

Yes: Council Member Maloney, Council Member Stolzmann, Mayor Muckle, Mayor Pro Tem Lipton. **No:** Council Member Loo, Council Member Keany, Council Member Leh.

ORDINANCE NO. 1743, SERIES 2017 – AN ORDINANCE IMPOSING FOR AN ADDITIONAL TEN-YEAR PERIOD THE CITY'S 0.125% HISTORIC PRESERVATION SALES TAX; EXPANDING THE PURPOSES FOR WHICH SALES AND USE TAXES IN THE HISTORIC PRESERVATION FUND MAY BE SPENT TO INCLUDE EXPENDITURE OF UP TO TWENTY PERCENT ANNUALLY ON OPERATING AND MAINTAINING THE LOUISVILLE MUSEUM CAMPUS; AUTHORIZING EXPENDITURES OF SALES AND USE TAXES IN THE HISTORIC PRESERVATION FUND OUTSIDE OF HISTORIC OLD TOWN LOUISVILLE IF SUCH EXPENDITURES ARE APPROVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS OF THE ENTIRE CITY COUNCIL , AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 7, 2017 – 2ND READING – PUBLIC HEARING (advertised Daily Camera 07/09/17)

Attorney Light introduced the ordinance by title noting this is a public hearing and second reading.

Mayor Muckle opened the public hearing.

Interim City Manager Balser stated that in November of 2008, Louisville voters approved the levy of a 0.125% sales tax, collected for a ten-year period commencing January 1, 2009 with the net proceeds of such 0.125% sales tax to be collected, retained and spent exclusively for historic preservation purposes within historic Old Town Louisville. This sales tax will expire on December 31, 2018 unless it is continued by approval of the City's voters.

The City Council has directed staff to draft an ordinance referring to the voters at the November 7, 2017 regular election a TABOR ballot issue to:

- 1) continue the City's temporary sales tax for historic preservation purposes for an additional ten years, commencing January 1, 2019;
- 2) to expand from historic Old Town Louisville to Citywide the area within which the existing fund balance and new revenues may be spent, provided any expenditure of such funds outside historic Old Town Louisville is approved by the affirmative vote of not less than five members of the entire City Council; and
- 3) to authorize up to twenty percent of the net proceeds of historic preservation sales and uses taxes be used, on an annual basis, for operating and maintaining the Louisville Museum Campus.

The ordinance reflects such direction and amends the appropriate sections of the Louisville Municipal Code accordingly, effective January 1, 2019 should voters approve the ballot measure at the November 7 election. The ballot language includes the estimated revenue to be generated in 2019, the first fiscal year of the extension of the existing 0.125 percent sales tax. Staff estimates this amount to be approximately \$550,000.

Some specific reasons to pursue continuation of the tax with the additional elements include the following:

- If voters approve the tax extension, the City would be able to fund historic preservation projects for another 10 years, protecting those resources that contribute to the character of historic Old Town Louisville
- At 1/8% of sales tax, a little over \$.01 for every \$10 spent in Louisville goes to the Historic Preservation Fund, which generates more than \$500,000 per year.
- Historic preservation funding would be available to historic preservation projects outside of the historic Old Town Louisville boundaries subject to a supermajority vote by City Council.
- Funding would be available to for operating and maintaining the Louisville Historical Museum Campus, which would help maintain a central part of the City's history and provide a sustainable revenue source.

Councilmember Maloney asked how the operations and maintenance for the museum is defined; would it include capital costs for something like new HVAC. Interim City Manager Balser stated it would not.

Mayor Muckle called for public comments.

Nancy Allen, 948 St. Andrews Lane, thanked the Council for their support of the museum. The increased funding would greatly benefit the museum.

Ed Connolly, 1209 Grant Avenue, stated he supports historic preservation but would like clarification added on how it should not be used for non-historic items.

Mayor Muckle stated the expansion of the boundaries is intended to allow for a few specific structures not in old town but are historic and the council would like to be able to support those types of projects. He supports the funding of the museum. He noted changes to the use of the funds can be done by ordinance, not changing the ballot language.

Councilmember Keany noted his appreciation of the support for the museum. It would not be for capital funding.

Mayor Muckle asked for public comments.

Patricia D. Murphy, 339 South Hoover, expressed her support of the measure and thanked Council.

Mayor Muckle closed the public hearing.

Mayor Muckle moved to approve Ordinance No. 1743, Series 2017; seconded by Councilmember Keany.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Stolzmann, Mayor Pro Tem Lipton, Council Member Leh, Council Member Keany, Mayor Muckle, Council Member Maloney, Council Member Loo.

RESOLUTION NO. 38, SERIES 2017 – A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT TO ALLOW FOR CONSTRUCTION OF A CONNECTION BETWEEN UNIT A & UNIT B AND AN EXTENSION OF THE APPROVED PLANNED UNIT DEVELOPMENT FOR THREE YEARS AT 931 MAIN STREET

Planner Trice stated an updated version of Resolution No. 38 was available on the dais. The original PUD was approved by Resolution No. 27, Series 2014. This request is to extend this PUD for three years and add a 53 square foot addition between the existing structure and the approved building.

Staff recommends approval of amendment and extension with the condition that prior to City execution and recordation, the applicant shall remove the City Utility Table and foot note on the Utility Plan and Note No. 1 on the Utility Plan shall be amended to read "Existing water tap and meter service to the property are to remain". The PUD process does not allow for the applicant to suggest changes to any administrative fees. Policy discussion of tap fees is tentatively scheduled for City Council on August 1.

Director Zuccaro stated the condition is based on the review criteria for PUDs and the Downtown design guidelines. Utility plans are required on PUDs to ensure a property can be adequately served and there are no utility conflicts, not to apply other standards or to get waivers to administrative items such as the fee.

Applicant presentation, Emily Kean, owner of the project stated this project was unanimously approved three years ago for a children's services community center. They intentionally separated the two buildings to have smaller impact on the neighbors. In the initial review of the utility plan it was determined one tap was sufficient and the PUD marked the one water tap as shared. There was never any mention that an additional tap fee would be needed for the project. She was shocked that because the buildings were not physically connected it would cost an additional \$35,000 for the tap fee as there is only one half-bath being used in the new addition. She stated they would not have been required to pay the fee if they had not been trying to follow best practices for historic preservation. They changed the application to connect the buildings to meet the criteria and not need to pay an additional tap fee and still are told they need to pay for an additional tap fee. The way the rules are written incentivizes the demolition of historic buildings.

Peter Stewart, Stewart Architecture, 1132 Jefferson Avenue. There is great confusion of what is a single premise on the site and how it can utilize a single tap. He felt they never got clarity on what the rules are. He stated they were told if attached it is one premise and can use one tap but suddenly told it doesn't meet the criteria, it was very confusing. It does meet the Downtown Design Guidelines and the owner is doing everything to save the historic character of this building. He would like confirmation at this meeting this is one premise.

Mayor Muckle asked for public comment.

Tom Ramsey, 1100 Grant Avenue, stated his support for this project. It saves the integrity and character of old town. The cost of a new tap fee would kill this project.

Ed Connolly, 1209 Grant Avenue, stated his support the project; it saves the historic character and solves the tap fee issue. Asking for another tap is just greedy.

Randy Caranci, 441 Elk Trail, Lafayette, stated his support of the project. It is ridiculous to ask for a second water tap.

Director Zuccaro noted the property has not been landmarked and there are no protections on the property.

Attorney Light stated procedurally the PUD is not the process for the adjudication of the amount and cost of tap fees, it is a determination made pursuant to Title 13 and is done when complete building plans are submitted. The question this evening is the proposed PUD amendment not the adjudication of the tap fees.

Councilmember Stolzmann stated it is reasonable for an applicant to talk to staff before plans are submitted to know how many taps will be needed when the time comes and perhaps we should allow for that discussion before deciding this tonight. Councilmember Leh agreed.

Mayor Muckle agreed but didn't want to continue the matter if the outcome was going to remain the same.

Attorney Light stated the Council has essentially delegated through its utility ordinances what constitutes a premise under Title 13. There is the prerogative to look separately at Title 13 for changes at some other time, not as a part of this discussion. Allowing further discussion might require the applicant to provide additional information on the plans to make a determination. Director Kowar noted staff would need more information than has already been submitted by the applicant to make a determination of what constitutes a premise. Attorney Light noted it will be at the discretion of the applicant if they want to proceed there without the PUD having been approved.

Mayor Muckle stated there would be value in continuing the process if the applicant is interested. He asked how long it would take for discussions with the applicant and staff. The applicant stated 30 days might be appropriate to allow enough time.

Mayor Muckle moved to continue Resolution No. 38, Series 2017 to August 15, 2017 Council meeting, Councilmember Leh seconded.

Voice vote: All in favor.

RESOLUTION NO. 39, SERIES 2017 – A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) AND PRELIMINARY SUBDIVISION PLAT FOR 42 RESIDENTIAL TOWNHOME LOTS AND COMMON AREAS ON 3.7 ACRES ZONED RM AND WITH DETENTION FACILITIES AND OTHER LANDSCAPE IMPROVEMENTS ON THE ADJACENT CITY-OWNED 1.44 ACRE PARCEL WEST OF HIGHWAY 42 AND NORTH OF LOCK STREET; LOT 2, CLEMENTINE SUBDIVISION AND LOTS 1A, 1B, AND 1C CLEMENTINE FILING NO.

2

Director Zuccaro stated this is a proposal to take four existing lots on the west side of Hwy 42 and north of Lock Street and build a townhome development with 42 units. This is a preliminary PUD request and preliminary subdivision plat. This was previously platted in 1987 and amended in 2007. The applicant is proposing 42 townhome units, common open space internal to the subdivision, a variety of designs with shared driveway access and a small network of private streets. The required land dedication would be near the sidewalk on East Street and a cash in lieu payment. On the adjacent City property, the applicant is proposing installing the stormwater detention for their development as well as regional stormwater detention which would benefit other

properties in the drainage basin. That property would be improved with landscaping and a trail network maintained by the HOA. It is zoned Residential-Medium, minimum lot size is 7,000 square feet and meant to be 12 units per net acre. This proposal is 11.4 units per acre, but the proposal is for small saleable lots for each unit, not condos. In order to accomplish that several waivers are required to create the individual lots for sale. There are also subdivision modifications required.

Director Zuccaro noted the criteria for the waivers and the subdivision modifications and that if not met, can be approved by Council for the PUD. Staff feels the intent is met and staff supports the waivers.

OSAB and Parks and Public Landscape Board reviewed the applications for the trail connections and landscaping. Both boards recommend approval of the improvements as presented with the condition of the revised drainage.

Director Zuccaro stated staff ran the project against the fiscal model. Given the known error in the 2016 model, staff used the 2015 model which showed a net negative of \$357,000 over a 20-year period. On the dais was comment letter received after the packets went out and minutes from the previous subdivision approvals.

Councilmember Stolzmann noted there is a lot of demand for this type of product in this area. She asked if the landscaping on city property is irrigated. Director Zuccaro stated they haven't gotten to that level of design at this point. Councilmember Stolzmann asked what the land category of the property is currently, is it a park; Director Zuccaro stated currently it is not a park.

Councilmember Stolzmann asked why use a subdivided model, not condo. Director Zuccaro deferred to the applicant.

Councilmember Stolzmann asked about the requirement for sidewalks. Director Zuccaro noted sidewalks are typically incorporated into the public right of way, so this land dedication would be incorporated into East Street and be part of the public right of way.

Councilmember Stolzmann asked when the payment for the fee in lieu would be paid. Staff feels it should be done at final Plat approval.

Councilmember Stolzmann asked about required vs. extraordinary benefit in the PUD criteria.

Councilmember Stolzmann asked if the Fire Department feels the plan is sufficient for their equipment. Director Zuccaro replied yes, it meets their requirements.

Councilmember Stolzmann noted the intent of the subdivision and that it might not be required if the project was structured differently.

Applicant presentation - Erik Hartronft, 950 Spruce Street, stated this is a gateway parcel to town and very visible. The applicant felt multi-family is appropriate here with the Sunnyside housing complex to the north and the industrial use to the south. This proposal includes a major common area outdoor space, meets the underlying zoning, has offsite regional stormwater detention and allows the open areas to be much more useful for the residents. He reviewed some of the history of the property.

Hartronft stated to Councilmember Stolzmann this could be developed as one big lot and condos, but the applicant feels this is a more appropriate development for Louisville. They could do without any waivers if made one big lot, but this is a better option in their opinion.

Hartronft stated the area is divided into three types of properties, designed to be friendlier, visually pleasing and use new urban ideas. The property has been zoned RM for a long time and this product is a good use here.

Councilmember Loo asked how the eastern area would be impacted by proposed changes to Highway 42. Director Zuccaro stated we would have to make sure enough room is left for the improvements.

Mayor Muckle asked for public comments.

Ed Connolly, 1209 Grant Avenue, felt this proposal is a great use of this property and supports the detention pond incorporated in the space. He stated he does not support the proposed roundabout on highway 42.

RJ Harrington, 457 E. Raintree Court, stated his support for this development. It is an appropriate location for multi-family and increased density.

Tom Ramsey, 1100 Grant Avenue, agreed with earlier speakers and stated he likes that the proposal has several different types of housing.

Randy Caranci, 441 Elk Trail, Lafayette, supports the proposal.

Mike Jones, owner of the property, noted he is dedicated to the community. He reported the plans include homes with first floor master bedrooms. He noted the current legal issues with condominium projects in Colorado, and they want to avoid that and do fee simple projects.

Michael Eisenstein, financier of the project, stated condos are not able to get financing these days. He liked the walkability to the downtown area.

Steve Poppitz, 1036 Walnut Street, stated it is a great project and needed right now. He asked if a very small piece of commercial could be added there.

Mayor Pro Tem Lipton asked if there are any conditions on this project. Director Zuccaro stated no, there are no conditions.

Councilmember Stolzmann stated her concern is the subdivision. The PUD process doesn't circumvent the subdivision process. She didn't feel this meets criteria as multiple properties. It needs to be platted as one lot to meet the City Code. As presented it is arbitrary.

Mayor Muckle asked if there is language to change the subdivision via the PUD process. Director Zuccaro stated yes.

Councilmember Stolzmann stated she respectfully disagreed with that interpretation and pointed to the intent of the modification section and PUD section.

Attorney Light stated he had not fully researched the history of those sections and where those provisions came from. One of the rules of considering statutes or ordinances is to give all parts meaning so as to not interpret legislation rendering one section meaningless or having no effect. The question becomes whether those two sections are required to be read together such that the PUD vehicle is not available for modifications or whether there is independent authority for modifications. Looking at the PUD statute, he asked staff if these are primarily yard and bulk requirements. Director Zuccaro confirmed. City Attorney Light noted a PUD document is never a plat, a plat is always required. Yard and bulk requirements could be adjusted in the PUD process with certain findings. PUD is not a zoning tool but for site design. Both baskets of authority are available.

Councilmember Loo stated this is not illegal and is a good project for Louisville.

Mayor Muckle stated all of his initial concerns about this project were addressed with the advisory boards' input and the types of housing being provided.

Mayor Muckle moved to approve Resolution No. 39, Series 2017; Councilmember Loo seconded.

Councilmember Stolzmann reiterated her concerns; she doesn't agree with the interpretation being used for the subdivision.

Mayor Pro Tem Lipton noted this is a preliminary approval and he would like a longer interpretation from the City Attorney at the time of final PUD approval.

Voice vote: 6-1 Councilmember Stolzmann voted no.

DISCUSSION/DIRECTION/ACTION – LOCATION FOR THE LEE AVENUE MINERS CABINS

Planner Trice stated City Council asked staff to return with possible options for location of the two miners cabins.

Option 1: One at Breaux Park and restored for public access. One at Pine Street & Hwy 42 – a sanitary sewer line and a 10 foot easement so some reconfiguration and a utility box would need to be addressed.

Option 2 : Both cabins on Main Street – further from downtown, Mayhoffer Ditch runs through the property. Cabins can stay together.

Option 3: Storage option at Shops, moved twice.

HPC met last night, recommended option one; one cabin at Breaux Park for accessibility and one at Pine Street as a gateway statement.

Public Comments

Jean Morgan, 1131 Spruce Street stated her support for Option one. She suggested the one at Pine Street also include a coal car and mule statue. This keeps the cabins near the Miner's Field neighborhood. She didn't support the Main Street location as that removes them from Miner's Field. She did not want to see them temporarily located at City Shops.

Councilmember Loo asked if any letters of objection were received from neighbors. Planner Trice noted one from the owner of 740 Front (restaurant owner and building owner) concerned about the impacts of the current park directly adjacent.

Steve Poppitz, 1036 Walnut Street suggested option 3 and taking time. Don't tick off the neighbors. Store them until you have a location everyone likes.

Mayor Pro Tem Lipton stated all neighbors should be notified of the possibility of the move. We need proper process so everyone knows what might happen. Need to know how the neighbors feel.

Councilmember Stolzmann agrees storage is the best option. It would allow the possibility of using Miners Field. Storing allows flexibility and time for full community feedback.

Councilmember Keany stated he understood a deed restriction might disallow the use of Miners Field. Planner Trice noted staff would need to further study the deed information concerning this.

Interim City Manager Balser added both Breaux Park and Pine Street have major utility issues that will need to be addressed.

Councilmember Maloney agreed there is no urgency and felt the City should store them and let staff research the options.

Lynn Hurst, Lynn's Recycled Houses, Boulder, felt the storage option was probably the best one so a location could be found which everyone agrees is best. Rehabilitation work can be done while being stored. She suggested the City find a better location than the ones currently under consideration.

Jean Morgan asked if they would be covered if in storage. Director Zuccaro stated we won't know exactly how they could be stored until we get further in the RFP process. They would need to be protected.

Councilmember Loo supported storage after hearing Ms. Hurst.

Mayor Muckle supports Option one, it creates an entryway at Pine and at John Breaux Park and feels like it will be a draw to the location. But that doesn't preclude storage in the short-term given how much time it would take to prepare the sites.

Councilmember Leh thanked Ms. Morgan for her work on this project. He stated he supports the storage option to find the best location we can.

Mayor Muckle moved to direct staff to proceed with the storage option. Councilmember Stolzmann seconded. Voice vote - all in favor.

DISCUSSION/DIRECTION/ACTION – EXECUTIVE RECRUITING FIRM FOR CITY MANAGER RECRUITMENT

Director Hix stated the City received six proposals from Executive Search Firms in response to the Request for Proposals. Mayor Muckle and Councilmember Leh reviewed and discussed the proposals including costs, guarantees, and other factors in each of the proposals. Five of the six firms were selected to move forward in the process and were contacted for Skype Interviews. Four of the five firms accepted the invitation. She reviewed the interview process that was used. The result was the recommendation of the Novak Group.

Mayor Muckle stated one thing they were looking for was a company that can be Louisville centric and it was clear the Novak Group was the best choice and would tailor the process to what we need.

Councilmember Loo noted the original conversation included an organizational audit to be included and wondered where that process was. Mayor Muckle stated that was considered as well and a recommendation for one of those firms will be forthcoming. The two consultants would be asked to integrate the two activities to be complementary.

Director Hix stated the recruiting firm would do active recruitment and the second group would do more community focus groups to gather additional information about what the community expects. This would be similar to the process that was used for the Planning Director. Ms. Tuck Parrish is aware of that process and comfortable with how it works.

Mayor Pro Tem Lipton asked when there will be a more defined plan related to the organizational assessment and how community outreach will be handled. Mayor Muckle noted this will be addressed next week. Councilmember Leh noted the proposals were detailed.

Mayor Muckle moved to approve the contract with the Novak Consulting Group. Mayor Pro Tem Lipton seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Stolzmann, Council Member Maloney, Council Member Leh, Mayor Muckle, Council Member Loo, Council Member Keany, Mayor Pro Tem Lipton.

DISCUSSION/DIRECTION – RECREATION ADVISORY BOARD CREATION

Item moved to July 25 Meeting.

DISCUSSION/DIRECTION – BOARD AND COMMISSION APPOINTMENT PROCESS & TERM LIMITS

Item moved to July 25 Meeting.

CITY ATTORNEY'S REPORT

City Attorney Light stated he will be conducting open government training for the Council on August 22. The focus will be on the quasi-judicial process and he asked the Council to submit any other topics that may be of interest to them.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann, liaison to the Library Board of Trustees, highlighted new statistics showing Louisville's circulation per capita is the highest in the Flatirons Library Consortium.

Councilmember Stolzmann made a motion calling for a special meeting on July 25, 2017 at 8:00 p.m. to consider the IGA for the election with Boulder County, undergrounding utilities, Recreation Board, Board and Commission appointment process and term limits, items postponed from this meeting agenda, along with the

organizational assessment. Mayor Muckle seconded the motion. Voice vote: all in favor.

ADJOURN

Members adjourned the meeting at 10:40.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk